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New Study Questions OSHA Attack on Environmental Tobacco Smoke

On Tuesday, November 14, 1995, the non-partisan Congressional Research Service (CRS) released the results of a 20-month study on the risks of environmental (second-hand) tobacco smoke (ETS) in the workplace. The report raises serious questions about the scientific basis for recent regulatory moves by the Occupational Safety and Health Administration (OSHA) to severely restrict or prohibit ETS in American workplaces. If implemented, the rules would essentially prohibit smoking by workers and customers in any place (including bars and restaurants) where workers might be exposed to any level of smoke.

The National Licensed Beverage Association (NLBA), which has actively opposed the proposed OSHA rules, today called on the agency to rethink its approach to the subject in light of the latest CRS findings. NLBA represents bars, liquor stores, and other retail members of the hospitality industry. According to NLBA President Jim Simpson, "NLBA has always held that it is the right and the responsibility of hospitality business owners to create an environment that is comfortable for customers and conducive to worker productivity and satisfaction. Customers and workers should have a choice of environments. Scientific evidence does not support government intervention and limitation of those choices. The competitive marketplace currently provides a wide variety of smoking and smoke-free choices for both workers and customers. That is how our system is supposed to work, and it is working well", Simpson said.

Among the key observations made by the CRS study are the following quotes:

"The statistical evidence does not appear to support a conclusion that there are substantial health effects of passive smoking." (p. 7)

"Therefore, had OSHA performed a meta-analysis, it seems likely that it would have found no increased lung cancer risk from occupational ETS exposure." (p. 62)

"Even at the greatest integrated exposure levels, the measured risks are still subject to uncertainty." (p. 2)

"It is clear that misclassification and recall bias plague ETS epidemiology studies." (p. 45)

"...two large new studies that found no risk of heart disease from passive smoking." (p. 68)

NLBA President Jim Simpson said, "The CRS study shows that OSHA's assumptions in support of a ban on smoking in the workplace are based on faulty science. As a result, the entire OSHA docket on the proposed regulation should go back to the drawing board."

The NLBA testified before OSHA in opposition to OSHA's ETS rule and has opposed congressional legislation seeking to ban smoking in workplaces and in eating and drinking establishments around the country.

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